

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-24 remain in the application and, as amended herein, are submitted for the Examiner's reconsideration.

Claim 21 has been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, (i) claims 1, 2, 8, 9, 12-14, 20, 21, and 24 were rejected under 35 U.S.C. § 103(a) as being anticipated by Ueda (U.S. Patent No. 6,289,102) in view of Kamibayashi (U.S. Patent No. 7,065,648), (ii) claims 3, 5-7, 10, 15, 17-19, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Kamibayashi and further in view of Dondeti, and (iii) claims 4, 11, 16, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Kamibayashi and Dondeti and further in view of Harada (U.S. Patent No. 6,850,914). Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1, 8, 11, 12, 13, 20, 23, and 24 have each been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found, e.g., in Figs. 5 and 36 and in ¶¶ [0272], [0274], and [0296] of the specification.

As amended herein, claim 1 recites:

a virtual storage device loaded in the data processing apparatus and operable to execute mutual authentication; [and]

a first structure disposed within the data processing apparatus and operable to execute mutual authentication so that when the external storage device does not include any structure operable to

execute the mutual authentication or is not operable to enable such mutual authentication or the memory of the external storage device is devoid of ciphering function, the mutual authentication is alternatively carried out between said first structure disposed within the data processing apparatus and said virtual storage device loaded in the data processing apparatus instead of being carried out between said data processing apparatus and the external storage device[.]

(Emphasis added.) Neither the relied on sections of Ueda nor the relied on sections of Kamibayashi disclose or suggest a virtual storage device loaded in a data processing apparatus and operable to execute mutual authentication. Moreover, neither the relied on sections of Ueda nor the relied on sections of Kamibayashi disclose or suggest that mutual authentication is alternatively carried out between a first structure disposed within a data processing apparatus and a virtual storage device loaded in the data processing apparatus instead of being carried out between the data processing apparatus and an external storage device.

The Examiner contend that "Kamibayashi, however, discloses ... alternatively executing mutual authentication for the external storage device using a structure and/or device other than the external storage device when the external storage device is not operable to perform mutual authentication" and relies on column 12, line 22 to column 13, line 16 of Kamibayashi. Such sections of the reference, however, describe that (i) if a memory card (MC) is capable of implementing mutual authentication, then an authentication unit of a music contents use management system (referred to as an "LCM") carries out such mutual authentication with the memory card (MC); and (ii) if a memory card (MC) has neither a secret area nor identification information and is thus unable to implement mutual authentication, then (a) the memory card (MC) is set in a recording/reproducing device (PD), and (b) the authentication

unit of the music contents use management system (LCM) carries out mutual authentication with the recording/reproducing device (PD) in place of the mutual authentication with the memory card (MC). (See col.12 ll.24-33.) The relied on sections of the patent are not at all concerned with a virtual storage device loaded in the music contents use management system (LCM). Further, these sections are not at all concerned with a music contents use management system (LCM) carrying out mutual authentication with a virtual storage device loaded in the music contents use management system (LCM) when the memory card (MC) is unable to implement mutual authentication. Hence, the relied on sections of Kamibayashi do not disclose or suggest the features set out in the above excerpt of claim 1.

The relied on sections of Ueda do not address the deficiencies of the relied on sections of Kamibayashi for the reasons set out in the prior Amendment dated August 11, 2008 (see pages 18-19).

It follows, for at least these reasons, that neither the relied-on sections of Ueda, nor the relied-on sections of Kamibayashi, whether taken alone or in combination, disclose or suggest the data processing apparatus set out in claim 1, and therefore claim 1 is patentably distinct and unobvious over the relied on references.

Independent claims 8, 11, 12, 13, 20, 23, and 24 each call for features similar to those set out in the above excerpt of claim 1. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Kamibayashi at least for the same reasons.

Claims 2-7 depend from claim 1, claims 9-10 depend from claim 8, claims 14-19 depend from claim 13, and claims 21-22 depend from claim 20. Therefore, each of these claims is distinguishable over the relied on sections of Ueda

and Kamibayashi at least for the same reasons as its parent claim.

Neither the relied on sections of Dondeti nor the relied on sections of Harada remedy the deficiencies of the relied on sections of Ueda and Kamibayashi.


Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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